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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

LAWRENCE JAMES SACCATO,

10-6192-TC

Plaintiff,

v.

ORDER STRIKING
DOCUMENT 35

DAVIS LAW FIRM, DKC INVESTMENTS,
LLC, and FIRST NATIONAL BANK OF
OMAHA,

Defendants.

COFFIN, Magistrate Judge:

Plaintiff Lawrence James Saccato (Saccato) is proceeding without counsel in this action which alleges that defendants violated the Fair Debt Collections Practices Act and the Fair Credit Reporting Act. On October 25, 2010, Saccato filed a Response to Defendant Davis Law Firm's Answer and Affirmative Defenses and Memorandum In Support. (dkt. #35). At the Oral Argument on First National Bank of Omaha's (Bank) motion to dismiss, counsel for Bank, who is also counsel for Davis Law Firm, noted that document #35 is not allowed under the Rules of Civil Procedure, except to the extent that it is responsive to Davis Law Firm's counterclaim. Thus, counsel requested

that the court strike the meaningless portions of document #35.

I have reviewed Saccato's Response (dkt. #35) and find that is a non-responsive pleading, which is not provided for under the Federal Rules of Civil Procedure. The only instance in which Saccato mentions Davis Law Firm's counterclaim is on page 8 where he states "[t]he Counterclaim by Davis Law Firm is noted, but not ripe for decision...." (dkt. 35 at 8). Accordingly, I order the Clerk of the Court to strike document #35 from the docket. Should Saccato wish to file a response to Davis Law Firm's counterclaim, he may do so within 14 days from the date this order is filed. Saccato is cautioned that any such response must comply with Federal Rule of Civil Procedure 8 and only address Davis Law Firm's counterclaim, which is found at ¶ 41 of its Answer.

IT IS SO ORDERED

DATED this 9 day of November 2010.



THOMAS M. COFFIN
United States Magistrate Judge